

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates to All Actions

AFFIRMATION OF
R. ALLAN PIXTON
-----X

I, R. Allan Pixton, an attorney admitted *pro hac vice* to practice before this Court, hereby affirm under penalty of perjury as follows:

1. I am a partner in the firm of Kirkland & Ellis LLP and counsel for General Motors LLC (“New GM”) in the above-captioned matter.

2. I make this Affirmation in support of 1) New GM’s Opposition to Plaintiffs’ Motion to Certify Bellwether Classes in the States of California, Missouri, and Texas; 2) New GM’s Motion to Exclude the Opinions of Stefan Boedeker; 3) New GM’s Motion to Exclude the Opinions of Ernest Manuel; 4) New GM’s Motion to Exclude the Opinions of Dr. Joshua Gans; and 5) New GM’s Motion to Exclude the Opinions of Dr. Marvin Goldberg.

3. The following facts are within my personal knowledge, and if called, I would testify as follows.

4. Attached collectively as Exhibit 20 are two spreadsheets produced by Lead Counsel in this litigation at ELPLNTFF00017170.000001 and ELPLNTFF00017301. These spreadsheets contain data for 3,466 people solicited as potential named plaintiffs in this litigation since July 2016 through internet advertising and through TopClassActions.com. Of the 3,466 records produced by Lead Counsel in Exhibit 20, 47.3% of respondents do not allege that they experienced any defect. Of the 52.7% of respondents in Exhibit 20 that do allege that they experienced a defect, many do not allege defects that are connected to the plaintiffs’ claims in the 5ACC (*e.g.*, “noise in

steering column,” “transmission slipping,” “tranny blew out, sway bar busted, fuel pump went out,” “ignition key sticks when removing key,” “door problems,” “cruise control problems,” “shaking while on the highway,” “check engine light, timing belts,” “tire shaking, wheel hub replaced,” “windows stopped,” “headlights lost power for about 10 seconds and then turned back on,” “when drivers window is opened all the way, warning bell and message states to service air bags,” *etc.*). Named 5ACC plaintiffs Chimen Basseri, Kellie Cereceres, Crystal Hardin, Michelle Thomas, Brad Akers, Delores Hamilton, Kenneth Robinson, Mario Stefano, Christopher Tinen, Gareebah Al-ghamdi, and Dawn Bacon were recruited as named plaintiffs through Lead Counsel’s internet advertising efforts.

5. The following additional exhibits are attached in support of the pleadings identified in Paragraph 2.

- i. Attached as Exhibit 1 is a true and correct copy of the September 20, 2018 declaration of Joseph Fedullo.
- ii. Attached as Exhibit 2 is a true and correct copy of GM-MDL2543-301838188, produced by New GM in this litigation.
- iii. Attached as Exhibit 3 is a true and correct copy of GM-MDL2543-301432431, produced by New GM in this litigation.
- iv. Attached as Exhibit 4 is a true and correct copy of the November 10, 2017 expert report of Glen Stevick.
- v. Attached as Exhibit 5 is a true and correct copy of the September 21, 2018 declaration of Victor Hakim.
- vi. Attached as Exhibit 6 is a true and correct copy of GM-MDL2543-401952506, produced by New GM in this litigation.
- vii. Attached as Exhibit 7 is a true and correct copy of GM-MDL2543-401964941, produced by New GM in this litigation.
- viii. Attached as Exhibit 8 is a true and correct excerpted copy of the transcript of the December 2, 2015 deposition of Amber Hendricks.
- ix. Attached as Exhibit 9 is a true and correct copy of GM-MDL2543-401961908, produced by New GM in this litigation.

- x. Attached as Exhibit 10 is a true and correct copy of GM-MDL2543-304843468, produced by New GM in this litigation.
- xi. Attached as Exhibit 11 is a true and correct copy of GM-MDL2543-304843740, produced by New GM in this litigation.
- xii. Attached as Exhibit 12 is a true and correct copy of GM-MDL2543-300767863, produced by New GM in this litigation.
- xiii. Attached as Exhibit 13 is a true and correct copy of the September 20, 2018 declaration of Wayne Hoyer.
- xiv. Attached as Exhibit 14 is a true and correct copy of the September 19, 2018 declaration of Robert Willig.
- xv. Attached as Exhibit 15 is a true and correct excerpted copy of the transcript of the November 20, 2017 deposition of named plaintiff Dawn Fuller.
- xvi. Attached as Exhibit 16 is a true and correct excerpted copy of the transcript of the May 5, 2017 deposition of named plaintiff Gareebah Al-Ghamdi.
- xvii. Attached as Exhibit 17 is a true and correct excerpted copy of the transcript of the May 4, 2017 deposition of named plaintiff Lisa McClellan.
- xviii. Attached as Exhibit 18 is a true and correct excerpted copy of the transcript of the May 1, 2017 deposition of named plaintiff Michael Graciano.
- xix. Attached as Exhibit 19 is a true and correct copy of the May 18, 2018 rebuttal expert report of Sanford Weisberg.
- xx. Attached as Exhibit 21 is a true and correct copy of the September 18, 2018 declaration of Bradford Cornell.
- xxi. Attached as Exhibit 22 is a true and correct copy of the September 20, 2018 declaration of Dominique Hannsens.
- xxii. Attached as Exhibit 23 is a true and correct copy of Exhibit 31 to the deposition of Dominique Hannsens.
- xxiii. Attached as Exhibit 24 is a true and correct copy of the September 21, 2018 declaration of Laurentius Marais.
- xxiv. Attached as Exhibit 25 is a true and correct copy of the September 19, 2018 declaration of Kevin Keller.
- xxv. Attached as Exhibit 26 is a true and correct copy of the September 20, 2018 declaration of Robin Jason.

- xxvi. Attached as Exhibit 27 is a true and correct copy of the May 18, 2018 errata rebuttal expert report of Stefan Boedeker.
- xxvii. Attached as Exhibit 28 is a true and correct copy of the August 31, 2018 reply expert report of Stefan Boedeker.
- xxviii. Attached as Exhibit 29 is a true and correct copy of the September 18, 2018 declaration of Peter Rossi.
- xxix. Attached as Exhibit 30 is the September 18, 2018 declaration of John List.
- xxx. Attached as Exhibit 31 is a true and correct copy of the June 21, 2018 expert report of Stefan Boedeker.
- xxxi. Attached as Exhibit 32 is a true and correct copy of the November 10, 2017 expert report of Stefan Boedeker.
- xxxii. Attached as Exhibit 33 is a true and correct excerpted copy of the transcript of the February 6, 2018 deposition of Stefan Boedeker.
- xxxiii. Attached as Exhibit 34 is a true and correct excerpted copy of the transcript of the July 5, 2018 deposition of Stefan Boedeker.
- xxxiv. Attached as Exhibit 35 is a true and correct excerpted copy of the transcript of the June 28, 2018 deposition of Joshua Gans.
- xxxv. Attached as Exhibit 36 is a true and correct copy of the May 17, 2018 sur-sur-rebuttal expert report of Joshua Gans.
- xxxvi. Attached as Exhibit 37 is a true and correct excerpted copy of the transcript of the June 29, 2018 deposition of Joshua Gans.
- xxxvii. Attached as Exhibit 38 is a true and correct excerpted copy of the transcript of the July 9, 2018 deposition of Sanford Weisberg.
- xxxviii. Attached as Exhibit 39 is a true and correct excerpted copy of the transcript of the March 13, 2017 deposition of named plaintiff Deloris Hamilton.
- xxxix. Attached as Exhibit 40 is a true and correct excerpted copy of the transcript of the July 6, 2018 deposition of Stefan Boedeker.
- xl. Attached as Exhibit 41 is a true and correct copy of the August 31, 2018 sur-rebuttal expert report of Joshua Gans.
- xli. Attached as Exhibit 42 is a true and correct copy of the September 18, 2018 declaration of Daniel McFadden.
- xlii. Attached as Exhibit 43 is a true and correct excerpted copy of the transcript of the February 7, 2018 deposition of Stefan Boedeker.

- xliii. Attached as Exhibit 44 are true and correct copies of screenshots of the consumer survey conducted by Stefan Boedeker.
- xliv. Attached as Exhibit 45 are true and correct copies of screenshots of the consumer survey conducted by Stefan Boedeker.
- xlv. Attached as Exhibit 46 is a true and correct copy of *Adding Safety Technology to an Older Car*, an article written by Dee-Ann Durbin and published in Claims Journal on April 28, 2017, available at <https://www.claimsjournal.com/news/national/2017/04/28/278175.htm>.
- xlvi. Attached as Exhibit 47 is a true and correct excerpted copy of the transcript of the March 9, 2017 deposition of named plaintiff Santiago Orosco.
- xlvii. Attached as Exhibit 48 is a true and correct excerpted copy of the transcript of the March 23, 2017 deposition of named plaintiff Brad Akers.
- xlviii. Attached as Exhibit 49 is a true and correct excerpted copy of the transcript of the May 9, 2017 deposition of named plaintiff Kenneth Robinson.
- xlix. Attached as Exhibit 50 is a true and correct excerpted copy of the transcript of the March 21, 2017 deposition of named plaintiff Ronald Robinson.
 - I. Attached as Exhibit 51 is a true and correct excerpted copy of the transcript of the April 14, 2017 deposition of named plaintiff Mario Stefano.
 - li. Attached as Exhibit 52 is a true and correct excerpted copy of the transcript of the April 13, 2017 deposition of named plaintiff Christopher Tinen.
 - lii. Attached as Exhibit 53 is a true and correct excerpted copy of the transcript of the May 31, 2017 deposition of named plaintiff Patrice Witherspoon.
 - liii. Attached as Exhibit 54 is a true and correct copy of the May 11, 2018 reply expert report of Ernest Manuel.
 - liv. Attached as Exhibit 55 is a true and correct excerpted copy of the transcript of the December 18, 2017 deposition of named plaintiff Kellie Cereceres.
 - lv. Attached as Exhibit 56 is a true and correct copy of ELPLNTFF00011445, produced by plaintiffs in this litigation.
 - lvi. Attached as Exhibit 57 is a true and correct excerpted copy of the transcript of the March 28, 2017 deposition of named plaintiff Dawn Bacon.
 - lvii. Attached as Exhibit 58 is a true and correct excerpted copy of the transcript of the September 28, 2015 deposition of Glen Stevick.

- lviii. Attached as Exhibit 59 is a true and correct excerpted copy of the April 20, 2017 deposition of Marvin Goldberg in *People of California v. General Motors LLC*, No. 30-2014-00731038-CU-BT-CXC (Sup. Ct. Cal.)
- lix. Attached as Exhibit 60 is a true and correct excerpted copy of the transcript of the June 26, 2018 deposition of Marvin Goldberg.
- lx. Attached as Exhibit 61 is a true and correct copy of the September 21, 2018 declaration of Robert Rauschenberger.
- lxi. Attached collectively as Exhibit 62 are true and correct excerpted copies of the transcripts of the June 2, 2017 deposition of named plaintiff Raymond Berg and the March 29, 2017 deposition of named plaintiff Harvey Sobelman.
- lxii. Attached as Exhibit 63 is a true and correct excerpted copy of the transcript of the May 5, 2017 deposition of named plaintiff Raymond Naquin.
- lxiii. Attached as Exhibit 64 is a true and correct excerpted copy of the transcript of the February 17, 2017 deposition of named plaintiff David Padilla.
- lxiv. Attached as Exhibit 65 is a true and correct excerpted copy of the November 24, 2015 deposition of Glen Stevick.
- lxv. Attached as Exhibit 66 is a true and correct copy of GM-MDL2543-301838317, produced by New GM in this litigation.
- lxvi. Attached as Exhibit 67 is a true and correct excerpted copy of the transcript of the February 23, 2017 deposition of Brian Thompson.
- lxvii. Attached as Exhibit 68 is a true and correct copy of the September 21, 2018 declaration of James Churchwell.
- lxviii. Attached as Exhibit 69 is a true and correct excerpted copy of the transcript of the February 27, 2017 deposition of named plaintiff Patricia Barker.
- lxix. Attached as Exhibit 70 is a true and correct excerpted copy of the transcript of the March 3, 2017 deposition of named plaintiff Esperanza Ramirez.
- lxx. Attached as Exhibit 71 is a true and correct excerpted copy of the transcript of the November 22, 2017 deposition of named plaintiff Chimen Basseri.
- lxxi. Attached as Exhibit 72 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff David Padilla.
- lxxii. Attached as Exhibit 73 is a true and correct copy of GM-MDL2543-305117903, produced by New GM in this litigation.

- lxxiii. Attached as Exhibit 74 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff William Rukeyser.
- lxxiv. Attached collectively as Exhibit 75 are true and correct excerpted copies of transcripts of the March 22, March 23, and July 25, 2018 depositions of Ernest Manuel.
- lxxv. Attached as Exhibit 76 is a true and correct excerpted copy of the transcript of the February 7, 2018 deposition of Marvin Goldberg.
- lxxvi. Attached as Exhibit 77 is a true and correct excerpted copy of the transcript of the May 11, 2017 deposition of Marvin Goldberg.
- lxxvii. Attached as Exhibit 78 is a true and correct copy of an October 10, 2016 email from plaintiffs' counsel Andrew Volk to counsel for New GM.
- lxxviii. Attached as Exhibit 79 is a true and correct copy of the November 10, 2017 expert report of Marvin Goldberg.
- lxxix. Attached as Exhibit 80 is a true and correct copy of the May 18, 2018 rebuttal expert report of Marvin Goldberg.
- lxxx. Attached as Exhibit 81 is a true and correct copy of the April 4, 2018 revised expert report of Ernest Manuel.
- lxxxi. Attached as Exhibit 82 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Kimberly Brown-Shiple. Exhibit 82 is mistakenly referred to as Exhibit 83 in New GM's Daubert motion regarding Ernest Manuel.
- lxxxii. Attached as Exhibit 83 is a true and correct excerpted copy of the transcript of the June 19, 2017 deposition of Marvin Goldberg in *People of California v. General Motors LLC*, No. 30-2014-00731038-CU-BT-CXC (Sup. Ct. Cal.).
- lxxxiii. Attached as Exhibit 84 is a true and correct excerpted copy of the transcript of the April 21, 2017 deposition of Marvin Goldberg in *People of California v. General Motors LLC*, No. 30-2014-00731038-CU-BT-CXC (Sup. Ct. Cal.).
- lxxxiv. Attached as Exhibit 85 is a true and correct excerpted copy of the transcript of the June 27, 2018 deposition of Marvin Goldberg.
- lxxxv. Attached as Exhibit 86 is a true and correct excerpted copy of Exhibit 7 to the April 20, 2017 deposition of Marvin Goldberg in *People of California v. General Motors LLC*, No. 30-2014-00731038-CU-BT-CXC (Sup. Ct. Cal.).
- lxxxvi. Attached as Exhibit 87 is a true and correct excerpted copy of the transcript of the April 24, 2017 deposition of named plaintiff Kimberly Brown-Shiple.

- lxxxvii. Attached as Exhibit 88 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Winifred Mattos.
- lxxxviii. Attached as Exhibit 89 is a true and correct excerpted copy of the transcript of the March 3, 2017 deposition of named plaintiff Winifred Mattos.
- lxxxix. Attached as Exhibit 90 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Patricia Barker.
- xc. Attached as Exhibit 91 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Crystal Hardin.
- xc. Attached as Exhibit 92 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Ronald Robinson.
- xcii. Attached as Exhibit 93 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Patrice Witherspoon.
- xciii. Attached as Exhibit 94 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Brad Akers.
- xciv. Attached as Exhibit 95 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Javier Malaga.
- xcv. Attached as Exhibit 96 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Chimen Basseri.
- xcvi. Attached as Exhibit 97 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Michael Benton.
- xcvii. Attached as Exhibit 98 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Michael Graciano.
- xcviii. Attached as Exhibit 99 is a true and correct excerpted copy of the transcript of the March 24, 2017 deposition of named plaintiff Cynthia Hawkins.
- xcix. Attached as Exhibit 100 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Michelle Thomas.
- c. Attached as Exhibit 101 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Kellie Cereceres.
- ci. Attached as Exhibit 102 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Gareebah Al-Ghamdi.
- cii. Attached as Exhibit 103 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Dawn Bacon.

- ciii. Attached as Exhibit 104 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Deloris Hamilton.
- civ. Attached as Exhibit 105 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Santiago Orosco.
- cv. Attached as Exhibit 106 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Esperanza Ramirez.
- cvi. Attached as Exhibit 107 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Kenneth Robinson.
- cvi. Attached as Exhibit 108 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Christopher Tinen.
- cvi. Attached as Exhibit 109 is a true and correct excerpted copy of the Plaintiff Fact Sheet produced by named plaintiff Dawn Fuller.
- cix. Attached as Exhibit 110 is a true and correct excerpted copy of the transcript of the June 29, 2018 deposition of Joshua Gans.
- cx. Attached as Exhibit 111 is a true and correct excerpted copy of the transcript of the June 28, 2018 deposition of Joshua Gans.
- cxi. Attached as Exhibit 112 is a true and correct copy of Exhibit 4 to the June 28, 2018 deposition of Joshua Gans.
- cxii. Attached as Exhibit 113 is a true and correct copy of the transcript of the November 16, 2016 class certification motion hearing in *In Re: Dial Complete Marketing and Sales Litigation*, No. 11-md-2663-SM (S.D.N.Y.).
- cxiii. Attached as Exhibit 114 is a true and correct copy of *Principles of Microeconomics*, 6th edition, written by Joshua Gans, et al.
- cxiv. Attached as Exhibit 115 is a true and correct copy of *Microeconomics*, edited by Daron Acemoglu.
- cxv. Attached as Exhibit 116 is a true and correct excerpted copy of the transcript of the February 28, 2017 deposition of named plaintiff Michael Benton.
- cxvi. Attached as Exhibit 117 is a true and correct copy of the May 10, 2013 expert report of Marc Van Audenrode submitted in *In Re: Whirlpool Corp. Front-Loading Washers Products Liability Litigation*, No. 1:08-wp-65000-CAB (N.D. Ohio).
- cxvii. Attached as Exhibit 118 is a true and correct copy of the May 10, 2013 rebuttal expert report of Joshua Gans submitted in *In Re: Whirlpool Corp. Front-*

Loading Washers Products Liability Litigation, No. 1:08-wp-65000-CAB (N.D. Ohio).

- cxviii. Attached as Exhibit 119 is a true and correct copy of the transcript of the October 21, 2014 trial proceedings in *In Re: Whirlpool Corp. Front-Loading Washers Products Liability Litigation*, No. 1:08-wp-65000-CAB (N.D. Ohio).
- cxix. Attached as Exhibit 120 is a true and correct copy of Exhibit 27 to the deposition of Joshua Gans.
- cxx. Attached as Exhibit 121 is a true and correct copy of the mathematica code utilized by Stefan Boedeker.
- cxxi. Exhibit 122 is a true and correct excerpted copy of the transcript of the February 28, 2017 deposition of named plaintiff Sylvia Benton.
- cxxii. Attached as Exhibit 123 is a true and correct copy of Joshua Gans' handwritten annotations to Stefan Boedeker's Figure 19.
- cxxiii. Attached as Exhibit 124 is a true and correct copy of the April 13, 2017 Summary of Opinions of Stefan Boedeker in *State of California v. General Motors LLC*.
- cxxiv. Attached as Exhibit 125 is a true and correct copy of Exhibit 15 to the July 5, 2018 deposition of Stefan Boedeker.
- cxxv. Exhibit 126 June 1, 2018 supplemental expert report of Stefan Boedeker.
- cxxvi. Attached as Exhibit 127 is a true and correct excerpted copy of *Applied Conjoint Analysis* by Vithala Rao.
- cxxvii. Attached as Exhibit 128 is a true and correct copy of *Getting Started with Conjoint Analysis* by Bryan Orme.
- cxxviii. Attached as Exhibit 129 is a true and correct excerpted copy of *Applied Choice Analysis* by Hensher, et al.
- cxxix. Attached as Exhibit 130 is a true and correct copy of a comment by Respondent #1831 to Stefan Boedeker's November 7, 2017 survey.
- cccc. Exhibit 131 is a true and correct excerpted copy of the transcript of the March 2, 2017 deposition of named plaintiff Crystal Hardin.
- ccxxi. Exhibit 132 is a true and correct excerpted copy of the transcript of the March 24, 2017 deposition of named plaintiff Javier Malaga.
- ccxxii. Attached as Exhibit 133 is a true and correct excerpted copy of the 2010 Cobalt Owner's Manual.

- xxxxiii. Attached as Exhibit 134 is a true and correct excerpted copy of the 2006 Cobalt Warranty Booklet.
- xxxxiv. Attached as Exhibit 135 is a true and correct copy of plaintiffs' presentation slides from the June 17, 2016 hearing regarding New GM's motion to dismiss.
- xxxxv. Attached as Exhibit 136 is a true and correct copy of Chart of Named Plaintiff Price Paid Compared to Boedeker Proposed "Median Loss.
- xxxxvi. Attached as Exhibit 137 is a true and correct excerpted copy of the transcript of the March 17, 2017 deposition of named plaintiff William Rukeyser.
- xxxxvii. Attached as Exhibit 138 is a true and correct excerpted copy of the transcript of the March 21, 2017 deposition of named plaintiff Michelle Thomas.
- xxxxviii. Attached as Exhibit 139 is a true and correct excerpted copy of the transcript of the March 27, 2017 deposition of named plaintiff Shenyesa Henry.
- xxxxix. Attached as Exhibit 140 is a true and correct excerpted copy of the transcript of the June 21, 2017 deposition of named plaintiff Lisa Simmons.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: September 21, 2018

/s/ R. Allan Pixton

R. Allan Pixton

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2018, I electronically filed the foregoing affirmation using the CM/ECF system which will serve notification of such filing to the email of all counsel of record in this action.

By: /s/ Andrew B. Bloomer

Andrew B. Bloomer, P.C.